

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on August 11, 2005, the Examiner rejected Claims 1-28. The Examiner rejected claims 2, 3, 6, 9, 10, 13, 18, 19, 22, 25 and 26 due to “informalities.” Applicant has amended these claims according to the Examiner’s recommendations, except that as discussed below, the Applicant has replaced the word “ability” with “information,” instead of “data,” in claims 18 and 25 in order to overcome the Examiner’s rejection under Section 112, second paragraph.

Claim Rejections under 35 U.S.C. §112, second paragraph.

The Examiner rejected claims 1, 8, 15 and 22, and all that depend therefrom, under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Accordingly, Applicant respectfully provides the following.

In the Office Action the Examiner states that in claims 1, 8, 15 and 22, the term “information” as used is indefinite. In response, Applicant has amended claims 7, 14, 18, and 25, replacing the term “data” with “information.”

In addition, the Examiner also rejected claims 5 and 12 under 35 U.S.C. 112, second paragraph, in that they fail to further limit the claims because they have little to do with coordinating a boxing match. Applicant respectfully traverses. Selling merchandise is often a critical part of “coordinating a competitive sporting event,” including coordinating a boxing

match. Merchandise sales constitute an important additional source of revenue for such events that supplements ticket sales and sponsor revenue. Thus, it is clear that “providing electronic commerce to purchase sports-related merchandise associated with a selected sports participant” is related to “coordinating a competitive sporting event” and limits these claims.

Claim Rejections under 35 U.S.C. §102(b).

The Examiner rejected claims 1-4, 6-11, 13, 14, and 22-28 under 35 U.S.C. §102(b) as being anticipated by Sutcliffe et al. (U.S. 6,249,282). In response, Applicant has amended independent claims 1, 8 and 22 and provides the following explanation.

M.P.E.P 706.02 provides that “for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly.” Sutcliffe does not teach the “receiving prior fight” limitation of claim 1 or the “receiving prior fight information from at least one user regarding said user’s willingness to consider participation in a particular potential competitive sporting event, wherein said prior fight information includes who was a last person said user fought and how long ago, what is said user’s win/loss record, and what is said user’s desired purse size” limitations of claims 8 and 15.

These limitations deal with the brutal nature of the boxing-related invention and are not found in the relationship-oriented Sutcliffe. In addition, this type of information has not been available in the past to boxers. In the past, boxers had to go through a promoter to gather such information. The present invention empowers boxers to become independent of such third parties in coordinating boxing matches. In contrast, Sutcliffe deals with public information, or at

least information that is typically attained through talking to people and their acquaintances, such as their preferences.

In addition, these additional limitations show how the present invention focuses on organizing a professional event that is often worth a substantial sum of money to the participant. In contrast, Sutcliffe is an invention that deals with personal relationships where no money is involved for the participants.

Because Sutcliffe does not teach each and every limitation of the present invention, the Applicant respectfully requests that the Examiner withdraw the rejection to Section 102(b).

Claim Rejections Under 35 U.S.C. §103(a).

The Examiner has rejected claims 4, 5, 12, 17, 18 and 22 under 35 U.S.C. §103(a) as being unpatentable over Sutcliffe. In response, Applicant has amended independent claims 1, 8, 15 and 22 (as shown above) and provides the following explanation.

To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation . . . to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2142.

In addition, "in order to rely on a reference as a basis for [an obviousness] rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not,

then be reasonably pertinent to the particular problem with which the inventor was concerned."
In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992); MPEP 2141.01(a).

In addition to the reasons stated under Applicant's Section 102 argument, Applicant also respectfully argues that the cited art is non-analogous. The nature of the problem the Applicant's invention solves is vastly different from that of Sutcliffe. The present invention's limitations deal with the brutal nature of the boxing-related invention and are not found in the relationship-oriented Sutcliffe. In addition, this type of information has not been available in the past to boxers. In the past, boxers had to go through a promoter to gather such information. The present invention empowers boxers to become independent of such third parties in coordinating boxing matches. In contrast, Sutcliffe deals with public information, or at least information that is typically attained through talking to people and their acquaintances, such as their preferences.

In addition, these additional limitations show how the present invention focuses on organizing a professional event that is often worth a substantial sum of money to the participant. In contrast, Sutcliffe is an invention that deals with personal relationships where no money is involved for the participants.


Because Sutcliffe is non-analogous art, Applicant requests that the Examiner withdraw the rejection to Sutcliffe and the cited art in combination under Section 103.

CONCLUSION

If any impediments to the allowance of this application for patent remain after the above amendments and remarks are entered, the Examiner is invited to initiate a telephone conference with the undersigned attorney of record.

DATED this 11 day of November, 2005.

Respectfully submitted,



Michael H. Krieger
Attorney for Applicant
Registration No. 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111
(801) 328-3600

SBO/rlh
857721